IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 7425 of 2006

VIMAL PATODIYA & ORS.
V/S
THE CIVIL JUDGE,MERTA & ORS.

Mr. VISHAL SHARMA, for the appellant / petitioner

Date of Order : 2.1.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner.

The learned trial Court had dismissed the application filed under Order 11 Rule 12 CPC in proceedings under Order 39 Rule 1 and 2. By the application, the petitioner sought discovery of certain documents from the defendant and the defendant in reply by filing affidavit denied the documents to be in his possession or power. In that view of the matter, the application has been dismissed. It is informed by learned counsel for the petitioner that the learned trial Court had initially granted temporary injunction against which the appeal was filed and in that appeal, the learned trial Court was directed to decide the interim injunction application expeditiously on merits.

In my view, in such circumstances, I am not inclined to interfere with the impugned order passed by the learned trial Court, so as to protract the proceedings of Order 39 Rule 1 and 2 as a trial within trial. The writ petition is, therefore, dismissed summarily.

(N P GUPTA),J.

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